



California Integrated Waste Management Board

Linda Moulton-Patterson, Chair

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Gray Davis
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

February 4, 2003



FILE COPY

Ledra Sanchez
City Of Gardena
1700 W. 162nd Street
Gardena, CA 90247

RE: Consideration Of The Board Approval To Change The Base Year To 2000 For The Previously Approved Source Reduction And Recycling Element; And Consideration Of Consideration Of Completion Of Compliance Order IWMA BR99-86; And Consideration Of The Application For A SB1066 Time Extension; And Consideration Of Issuance Of Compliance Order IWMA BR03-02, For The City Of Gardena, Los Angeles County.

Dear Ms. Sanchez:

This letter is notification that on January 14-15, 2003, the California Integrated Waste Management Board voted on the findings in the attached Resolution 2003-64 for the City of Gardena. Please see CIWMB Meetings and Agendas page at "<http://www.ciwmb.ca.gov/Agendas/>" for complete agenda item information.

We look forward to working with you as the City of Gardena implements its diversion-related programs. Should you have any questions, please contact Primitivo Nunez of the Office of Local Assistance at (562) 492-9687.

Sincerely,

Phillip J. Moralez
State and Local Assistance Branch

Attachment: Resolution No. 2003-64

California Environmental Protection Agency

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The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web site at <http://www.ciwmb.ca.gov/>.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2003-64

Consideration Of A Request To Change The Base Year To 2000 For The Previously Approved Source Reduction And Recycling Element; And Consideration Of Completion Of Compliance Order IWMA BR99-86; And Consideration Of The Application For A SB 1066 Time Extension; And Consideration Of Issuance Of Compliance Order IWMA BR03-02, For The City Of Gardena, Los Angeles County

WHEREAS, Public Resources Code (PRC) Section 41825 requires the California Integrated Waste Management Board (Board) to review each City, County, and Regional Agency's Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE) at least every two years; and

WHEREAS, PRC Section 41825 provides that if the Board finds that the City, County, or Regional Agency has failed to implement its SRRE or HHWE, the Board shall issue an order of compliance with a specific schedule for achieving compliance that shall include those conditions which the Board determines to be necessary for the jurisdiction to complete in order to implement its SRRE or HHWE; and

WHEREAS, based upon the 1995/1996 Biennial Review of the City of Gardena's (City) SRRE, the Board issued Compliance Order IWMA BR99-86 to the City; and

WHEREAS, Public Resources Code Sections 41031 (Cities) and 41331 (Counties) requires that information submitted by a jurisdiction on the quantities of solid waste it has generated, diverted and disposed, shall include data as accurate as possible to enable the Integrated Waste Management Board (Board) to accurately measure the jurisdiction's achievement of the diversion requirement pursuant to PRC Section 41780; and

WHEREAS, the City of Gardena submitted documentation requesting to change its base year to 2000, which it claims is as accurate as possible;

WHEREAS, a portion of the diversion tonnage originally claimed by the City/County has been modified as a result of staff verification, and is reflected in the staff-revised certification; and

WHEREAS, the City has performed the tasks required by the Compliance Order; and

WHEREAS, in 1997, Senate Bill (SB) 1066 modified PRC Section 41820 and Section 41785 for multiple year and multiple requests from jurisdictions for Time Extensions or Alternative Diversion Requirements in meeting the 50 percent diversion goal; and

(over)

WHEREAS, the Board developed an application intended to provide guidance on the information and documentation that is needed to meet the requirements identified in PRC Sections 41820 and 41785, and approved the application on May 23, 2000; and

WHEREAS, PRC Section 41820 authorizes the Board to grant a time extension if the Board finds that the jurisdiction is making a good faith effort to implement the programs identified in its SRRE; and

WHEREAS, based on the staff review of the application and the jurisdiction's implementation of programs identified in its SRRE, Board staff has determined that the jurisdiction has not made a good faith effort to implement the programs as identified in its SRRE; and

WHEREAS, PRC Section 41825 allows the Board to issue a compliance order to a jurisdiction determined to have failed to implement its SRRE after conferring with the jurisdiction with its intent to issue a compliance order at least 60 days prior to issuing a notice of intent to issue a compliance order; and

WHEREAS, PRC Section 41825 requires the Board to notify a jurisdiction of its intent to issue an order of compliance at least 30 days prior to holding the hearing to consider issuing the compliance order; and

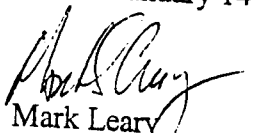
WHEREAS, Board staff has conferred with the City at least 60 days prior to issuing a notice of intent to issue a compliance order, and has notified the City at least 30 days prior to this Board hearing where the item considering issuing the City a compliance order was heard;

NOW, THEREFORE, BE IT RESOLVED that the Board finds that the City of Gardena has completed Compliance Order IWMA BR99-86, and is no longer subject to potential administrative penalties for the Biennial Review years of 1995 and 1996, and that the Board hereby disapproves the City's SB 1066 application for a time extension to implement its SRRE and to meet the 50 percent diversion requirement and the Board adopts the attached compliance order.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on January 14-15, 2003.

Dated: January 14, 2003


Mark Leary
Executive Director

**STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

In the Matter of:)	Tracking No: IWMA BR03-02
)	
)	
City of Gardena, Los Angeles County)	COMPLIANCE ORDER
)	
)	Public Resources Code
)	Section 41825

INTRODUCTION

- 1.1 **Parties:** The California Integrated Waste Management Board (Board) issues this Compliance Order (Order) to the City of Gardena, Los Angeles County .
- 1.2 **Authority:** Section 41825 of the Public Resources Code (PRC) requires the Board to review implementation of each Jurisdiction's Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE), at least once every two years; this Biennial Review is the Board's independent evaluation of a Jurisdiction's progress in implementing the SRRE and HHWE selected programs and reaching the diversion requirements of PRC Section 41780. If a Jurisdiction is not meeting the mandates of the Integrated Waste Management Act (IWMA), the Board may issue a compliance order and schedule (PRC Section 41825). Fines of up to \$10,000 per day may be levied if the provisions of the compliance order and schedule are not met (PRC Section 41850).
- 1.3 Sections 41033 and 41333 of the PRC, respectively, provide that any waste characterization component prepared by a Jurisdiction pursuant to Sections 41030 or 41330, and any other information submitted by a Jurisdiction to the Board on the

quantities of solid waste generated, diverted, and disposed of, shall include data which is as accurate as possible, on the quantities of solid waste generated, diverted, and disposed of, to enable the Board, to the maximum extent possible, to accurately measure the diversion requirements established under paragraph (1) of subdivision (a) of Section 41780.

DETERMINATION OF COMPLIANCE DEFICIENCIES

- 2.1 Board staff conducted a Biennial Review of the City of Gardena's SRRE. After considering the results of this review and the adoption of this Order at a public hearing commencing on January 14-15, 2003, the Board determined:
- 2.2 The Jurisdiction failed to comply with PRC Section 41780 in that it did not meet the solid waste diversion requirement of 50 percent by 2000. The City of Gardena's diversion rate for 2000 was 13 percent.

SCHEDULE FOR COMPLIANCE

- 3.1 Based on the foregoing determination of compliance deficiencies, it is hereby ordered that the City of Gardena, Los Angeles County shall:
 - a. Work with the Office of Local Assistance (OLA) staff to determine gaps in program areas and disposal accuracy and make recommendations in improving, expanding, or implementing new diversion programs and improving disposal reporting. OLA staff will conduct a needs assessment meeting with the City and outline the scope of a local assistance plan. The City will agree to the local assistance plan by June 30, 2003.

- 3.2 Penalties: At the end of the compliance order, the Board shall hold a public hearing to determine whether or not the Jurisdiction has complied with Section 3.1 of this Order. Failure to comply with any part of the Compliance Order at any time may result in fines of up to (\$10,000) per day in accordance with PRC Section 41850(a). A public hearing may be scheduled earlier if the Board determines that the Jurisdiction has complied with the conditions of the Order ahead of schedule.
- 3.3 Submittals: All documents required to be submitted by the Jurisdiction as noted above shall be sent to:

**Steve Uselton
Office of Local Assistance
California Integrated Waste Management Board
2929 East Willow Street,
Long Beach, CA 90806**

Attn: Compliance Order Correspondence

- 3.4 Communications: All approvals and decisions of the Board made regarding the adequacy of submittals will be communicated to the Jurisdiction in writing by the Board or its designee. No informal advice, guidance, suggestions, or comments by the Board staff regarding reports, plans, schedules, or any other documents submitted by the Jurisdiction shall be considered to be Board approvals.
- 3.5 Board Review and Approval: If the Board determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with the Order or fails to achieve successful implementation of the SRRE, the Board or its designee may:
- a. Serve a notice that the Board will hold a public hearing to consider the imposition of penalties in accordance with PRC Section 41850, or

- b. Order the Jurisdiction to change the document (if there are major changes) as deemed necessary and approve the document as changed, or
 - c. Return the document to the Jurisdiction with recommended changes (if there are minor changes) and a date by which the Jurisdiction must submit to the Board the document incorporating the recommended changes.
- 3.6 Compliance with Applicable Laws: The Jurisdiction shall carry out this Order in compliance with all Local, State, and Federal requirements, including but not limited to requirements to obtain necessary permits.
- 3.7 Liability: Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of the Jurisdiction.
- 3.8 Government Liabilities: The State of California and the Board shall not be liable for injuries or damages to persons or property resulting from acts or omissions in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by the Jurisdiction or its agents in carrying out activities pursuant to the Order. The Jurisdiction shall indemnify, defend and save harmless the State, its officers, agents, and employees from any and all claims and losses accruing or resulting in connection with the performance of this Order.
- 3.9 Extension Request: If the Jurisdiction is unable to perform any activity or submit any document within the time required under this Order, the Jurisdiction may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

- 3.10 Extension Approvals: If the Board or its designee determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.
- 3.11 Parties Bound: This Order shall apply to and be binding upon the Jurisdiction and upon the Board and any successor agency (regional agency etc.) that may have responsibility for, and the Jurisdiction over, the subject matter of this Order.

EFFECTIVE DATE

- 4.1. This Order is final and effective from the date of issuance.

Date of Issuance _____

Linda Moulton-Patterson, Chair
California Integrated Waste Management Board